

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

DUANE R. OLSON, :
: Petitioner :
: :
v. : : CIVIL NO. 4:CV-13-2304
: :
UNITED STATES OF AMERICA, : : (Judge Brann)
: :
: Respondent :
:

ORDER

October 8, 2013

In accordance with the accompanying Memorandum, **IT IS HEREBY
ORDERED THAT:**

1. Petitioner is **GRANTED** leave to proceed in forma pauperis for the sole purpose of the filing of this action with this Court.
2. The Petitioner's request (Doc. 6) to withdraw his summary judgment motion is **GRANTED**.
3. Olson's motion for summary judgment (Doc. 3) is **DEEMED WITHDRAWN**.
4. Olson's action is construed as a habeas corpus petition pursuant to 28 U.S.C. § 2241 and is **DISMISSED WITHOUT**

PREJUDICE.

5. Olson may file a section 2255 motion in the United States District Court for the Northern District of Illinois, or if appropriate, seek authorization from the appropriate Court of Appeals for leave to file a second or successive § 2255 petition.
6. Petitioner's motion for declaratory judgment (Doc. 7) is **DISMISSED AS MOOT.**
7. The Clerk of Court is directed to **CLOSE** this case.
8. Based on the Court's conclusion herein, there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

s/Matthew W. Brann

Matthew W. Brann
United States District Judge